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Rodolfo Di Massa M.D. and Karl Nigg

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

RODOLFO DI MASSA, M.D., AND KARL
NIGG, individually and on behalf of Stentcor
International Inc.,

Plaintiffs,

v.

SIMON STERTZER, M.D., MICHAEL
BONEAU, AND MEDTRONIC ARTERIAL
VASCULAR ENGINEERING, INC., a
Delaware Corporation, Does 1-25 & Roes 26-
50,

Defendants,

and

STENTICOR INTERNATIONAL, INC., a
California Corporation,

Nominal Defendant.

Case No.: 222363

**RODOLFO DI MASSA'S
SUPPLEMENTAL ANSWERS TO
DEFENDANT MEDTRONIC
ARTERIAL VASCULAR
ENGINEERING INC.'S FIRST SET OF
SPECIALLY PREPARED
INTERROGATORIES**

Unlimited Civil Case

PROPOUNDING PARTY: Defendant MEDTRONIC ARTERIAL VASCULAR

1 SPECIALLY PREPARED INTERROGATORY NO. 4: Describe all of Dr. Di Massa's
2 education, training and experience in metallurgy.

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4 ANSWER TO SPECIAL INTERROGATORY NO. 4: Dr. Di Massa pioneered the
5 development of inserting metal sleeves, known as stents, into arteries. He does not have a
6 degree in materials engineering. However, he does have a working knowledge of the
7 qualities of various alloys necessary to accomplish the design work required to develop
8 stents to be inserted in animals and humans.
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12 SPECIAL INTERROGATORY NO. 5: Identify and describe all procedures in which Dr.
13 Di Massa personally implanted the Di Massa Sleeve inside a living animal or human.
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17 SPECIAL INTERROGATORY NO. 5: The attachment to the First Set of Responses to
18 Specially Prepared Interrogatories contained a summary of all animal procedures performed
19 by Dr. Di Massa prior to his association with Dr. Stertz. All other documents relating to
20 animal implantations were entrusted to Dr. Simon Stertz, and defendant MAVE should
21 inquire of defendant Dr. Stertz for information regarding those documents. Doctor Di
22 Massa never personally implanted the Di Massa Sleeve inside a human.
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27 SPECIAL INTERROGATORY NO. 6: Identify all persons with knowledge of the Di
28 Massa sleeve.

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3 RESPONSE TO SPECIAL INTERROGATORY NO. 6: Dr. Di Massa supplements his
4 original answer as follows: the twelve members of the IMR Research and Human Subjects
5 Review Committee approved Dr. Di Massa's research into this area, and therefore must
6 have had some knowledge, at one time, of the Di Massa sleeve. Dr. Di Massa does not have
7 knowledge of names of the members other than those previously provided.
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11 SPECIAL INTERROGATORY NO. 7: For each person with knowledge regarding the
12 development of the Di Massa sleeve, state the sum and substance of the knowledge
13 possessed by such person.
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17 RESPONSE TO SPECIAL INTERROGATORY NO. 7: Dr. Di Massa supplements his
18 original answer to Special Interrogatory 7 as follows: Dr. Di Massa has complete
19 knowledge of the development of the Di Massa sleeve, including but not limited to its
20 design features and its utility as a medical device. However, Dr. Di Massa will not engage
21 in metaphysical speculation as to how much others may know about the Di Massa sleeve.
22 Dr. Di Massa does know that the other members of Stentcor have reason to know of the Di
23 Massa sleeve, but Dr. Di Massa does not, and can not know the "sum and substance" of
24 their knowledge.
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1 SPECIAL INTERROGATORY NO. 8: Identify all persons who, as of June 1987, had
2 knowledge regarding planned changes in the design and manufacture of the Di Massa
3 sleeve.
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5 RESPONSE TO SPECIAL INTERROGATORY NO. 8: Plaintiff Dr. Di Massa
6 supplements his answer as follows: All members of Stentcor had reason to know of
7 planned changes in Dr. Di Massa's design for the Di Massa sleeve. The January 1987
8 article in Cardio provided general notice to the public that Stentcor planned to develop a
9 new expandable sleeve based on Dr. Di Massa's designs. No one outside of Stentcor had
10 specific knowledge of the planned changes in the design and manufacture of the Di Massa
11 sleeve.
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16 SPECIAL INTERROGATORY NO. 9: For each person who, as of June 1987, had
17 knowledge regarding planned changes in the design and manufacture of the DiMassa sleeve,
18 state the substance of such knowledge.
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22 RESPONSE TO SPECIAL INTERROGATORY NO. 9: As noted in responses to Special
23 Interrogatories Nos. 7 and 8 above, Dr. Di Massa himself had complete knowledge of the
24 planned changes in the design and manufacture of the Di Massa sleeve. Dr. Di Massa
25 asserts that all member of Stentcor had reason to know of planned changes in the design
26 and manufacture of the Di Massa sleeve. Any reader of the January 1987 issue of Cardio
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1 magazine would have reason to have general knowledge of the planned changes in the
2 design and manufacture of the Di Massa sleeve. However, Dr. Di Massa will not engage in
3 metaphysical speculation as to how much others may know about the Di Massa sleeve. Dr.
4 DiMassa does not, and can not, know the "sum and substance" of the knowledge of the
5 persons identified in this interrogatory.
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9 SPECIAL INTERROGATORY NO. 16: Identify all efforts undertaken by or on behalf of
10 you or any Stentcor shareholder to retire Stentcor's debts with the Franchise Tax Board
11 and to restore Stentcor to good standing.
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15 RESPONSE TO SPECIAL INTERROGATORY NO. 16: Dr. Di Massa and Karl Nigg have
16 paid all back taxes and fees owed by Stentcor, and a Certificate of Revivor was issued for
17 Stentcor on Feb. 9, 2000. A copy of the certificate of revivor is attached.
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21 SPECIAL INTERROGATORY NO. 19: Describe in detail all "research, development and
22 testing done by Dr. Di Massa" that was used by any of the defendants in development of the
23 Boneau stent, as alleged in Paragraph 24 of the Complaint.
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1 RESPONSE TO SPECIAL INTERROGATORY NO. 19: Dr. Di Massa objects to this
2 interrogatory as it requests proprietary information prior to the entry of a protective order.
3 Dr. Di Massa further renews his original objections to this interrogatory. Dr. Di Massa
4 further responds that because he pioneered stent technology, all of his research, both pre-
5 Stentcor and Stentcor research, was used by defendants in developing the Boneau stent.
6 Dr. Di Massa cannot be more specific due to defendants' fraudulent concealment of their
7 use of Dr. Di Massa's research.
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12 SPECIAL INTERROGATORY NO. 20: List all materials from which the Di Massa sleeve
13 was manufactured and the name(s) of the person(s) who selected such material(s).
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17 RESPONSE TO SPECIAL INTERROGATORY NO. 20: The Di Massa sleeve was made
18 from surgical steel number 316 and/or 317. Dr. Di Massa selected the materials from which
19 the sleeve was made.
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23 SPECIAL INTERROGATORY NO. 24: Identify all instances in which you were present
24 for the implantation of a Di Massa sleeve inside the body of a live animal or human being.
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1 RESPONSE TO SPECIAL INTERROGATORY NO. 24: The attachment to the First Set of
2 Responses to Specially Prepared Interrogatories contained a summary of all animal
3 procedures performed by Dr. Di Massa prior to his association with Dr. Stertz. All other
4 documents relating to animal implantations were entrusted to Dr. Simon Stertz. Dr. Di
5 Massa was present at one implantation of the sleeve into a human, performed by Dr.
6 Stertz, but has no documents relating thereto. Defendant MAVE should inquire of Dr.
7 Stertz for information regarding such documents.
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12 SPECIAL INTERROGATORY NO. 25: Identify all documents relating or referring to
13 plans to implant the Di Massa sleeve into human peripheral arteries, as alleged in Paragraph
14 21 of the Complaint.
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18 RESPONSE TO SPECIAL INTERROGATORY NO. 25: Dr. Di Massa does not have
19 additional documents, or know of particular additional documents. However, Dr. Di Massa
20 believes that additional documents may exist, and may be in the possession of defendants.
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24 SPECIAL INTERROGATORY NO. 26: Identify all documents relating or referring to
25 plans to design an expandable Di Massa sleeve for use in coronary arteries, as alleged in
26 Paragraph 21 of the Complaint.
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RESPONSE TO SPECIAL INTERROGATORY NO. 26: Dr. Di Massa does not have possession of or knowledge of particular additional documents. However, Dr. Di Massa believes that additional documents may exist, and may be in the possession of defendants.

DATED: March 15, 2000

HELLER EHRMAN WHITE & MCAULIFFE LLP

By: Elizabeth H. Rader & Karl Nigg
ELIZABETH H. RADER
Attorneys for Plaintiffs
Rodolfo Di Massa and Karl Nigg

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3/15/00 4:55 PM (36645.0002)

PROOF OF SERVICE

I, Sharon McKenna, declare as follows:

I am employed with Heller Ehrman White & McAuliffe whose address 525 University Avenue, Palo Alto, California, 94301. I am readily familiar with the business practices of this office. At the time of transmission, I was at least eighteen years of age and not a party to this action.

On March 15, 2000, I served the documents listed below on the interested parties in this action by transmitting true and correct copies thereof as indicated below:

DOCUMENTS SERVED:

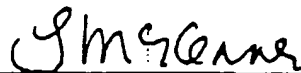
**RODOLFO DI MASSA'S SUPPLEMENTAL ANSWERS TO DEFENDANT
MEDTRONIC ARTERIAL VASCULAR ENGINEERING INC.'S FIRST SET OF
SPECIALLY PREPARED INTERROGATORIES**

PARTIES SERVED:

Sonja Larson, Esq. Fax No. 612-339-4181
Robins Kaplan Miller & Ciresi LLP
2800 LaSalle Plaza
800 LaSalle Ave
Minneapolis, MN 55402-2015

- ☐ BY OVERNIGHT DELIVERY: I caused such envelopes to be delivered to the above parties within 24 hours by FEDERAL EXPRESS overnight delivery service.
- ☐ BY PERSONAL SERVICE: I caused the document(s) to be delivered by hand.
- ☒ BY MAIL: I am readily familiar with the business practice for collection and processing correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelopes were sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at Palo Alto, California. I caused the document(s) to be sent by mail via United States Postal Service to the parties identified above.
- ☒ BY FACSIMILE: I caused the document(s) to be sent via facsimile to the parties identified above.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct; that this declaration is executed on March 15, 2000 at Palo Alto, California; and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.



Sharon McKenna

210484 v01.PA (45#S011.DOC) (#210484 v1 - DiMassa POS - SMcKenna (w/o caption))
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